

# PROPOSED CHARTER FOR THE CITY OF CHICKASHA

## CHARTER Of the City of Chickasha, County of Grady, Oklahoma.

### Preamble.

The City of Chickasha, a municipal corporation, adopts this charter as its sole organic law, subject only to the provisions of the constitution of the State of Oklahoma, and the laws of said state relating to the exercise of the Initiative and Referendum, and other organic laws of the State not relating to cities of the first class.

### ARTICLE I.

#### Section 1.

The municipal corporation now existing and known as the City of Chickasha shall remain and continue to be a body politic and corporate under the same name and with the same boundaries, until said boundaries shall be altered in the manner provided by Section 817 of the Compiled Laws of Oklahoma, 1909.

#### Section 2.

The City of Chickasha shall have perpetual succession, and shall own, possess and hold all property, real and personal, now owned, possessed or held by the present City of Chickasha.

#### Section 3.

The City shall have all rights and powers, legislative, executive and judicial, that are now enjoyed and exercised by cities of the first class under the Constitution and Laws of the State of Oklahoma, not inconsistent with or inapplicable to the specific provisions of this charter, and shall have such additional powers as may, by such constitution and laws, or by specific provisions of this charter or of regular adopted amendments thereto, be hereafter granted to it. Provided, that no law relating to cities of the first class hereafter enacted by the State of Oklahoma shall effect a repeal, diminution or limitation of the powers conferred upon this City by this Charter.

#### Section 4.

All existing ordinances of this City not inconsistent with this Charter or inapplicable under the altered form of municipal government provided for by it, shall be and continue in full force until altered, amended or repealed by the legislative authority of the City, or until they expire by their own limitation; and no existing rights, actions (civil or penal), suits, proceedings, or contracts shall be affected by the change in the form of civil government of the City, but all such contracts as though no change had taken place; and all debts, penalties and forfeitures which have accrued or which may hereafter accrue, by virtue of anything heretofore done, shall inure to the benefit of the City of Chickasha, and may be sued for and recovered by said City as though no change in form of government had taken place. Nothing herein, however, shall legalize or validate any illegal or invalid indebtedness of the City heretofore contracted or incurred, or impair any defense against the payment of the same, nor shall the adoption of this charter in any wise interfere with any proceedings heretofore instituted relating to the levy and collection of taxes, special assessments or levies of any nature, or with any proceedings to enforce the payment of the same, and all valid and legal contracts and obligations heretofore entered into by the City shall remain in full force and effect and be completed and performed under ordinances existing at the time of the adoption of this charter.

### ARTICLE II.

#### Section 1.

Whenever the Constitution of the State of Oklahoma or the Laws thereof, or in the present ordinances of the City of Chickasha hereby continued in force, reference is made to "The Mayor" or to "the chief executive officer" of the City, such reference shall be deemed made to the Mayor under the new form of government hereby created; and whenever in said constitution, laws or ordinances reference is made to "the City Council" or to "The Mayor and Council," or to "The Mayor and Commissioners," or to "The Legislative body" of the City, such reference shall be deemed made to the City Council created by this Charter.

#### Section 2.

The administration of the affairs of the City of Chickasha shall be conducted by a Mayor and two Commissioners, one of the Commissioners, to be designated as hereinafter provided, to be the Commissioner of Public Works, and one to be the Commissioner of Finance; and said Mayor and Commissioners shall constitute the City Council.

#### Section 3.

Any elector of the State of Oklahoma, twenty-five years of age and a bona fide freholder of the City of Chickasha, who at the time of the election shall be, and for three years next succeeding such election shall have been, a resident of the said City, shall be qualified for the office of Mayor or Commissioner.

#### Section 4.

At the first election held hereunder for the purpose of electing officers, there shall be elected a Mayor, and two Commissioners, whose respective terms of office shall be as hereinafter provided. One shall hold office from the time of his election and qualification hereunder until the first Monday in May, 1912, one from the time of his election and qualification hereunder until the first Monday in May, 1914, and one from the time of his election and qualification hereunder until the first Monday in May, 1916, and until their successors are elected and qualified, said terms to be appointed among the Mayor and Commissioners by lot at the first meeting of the City Council, and the

result to be entered in the minutes of the meeting. Immediately after the said Mayor and Commissioners shall have qualified for office, and before the transaction of any other business, the City Council shall convene and proceed to the selection of one Commissioner to be the Commissioner of Public Works and the other Commissioner to be the Commissioner of Finance.

#### Section 5.

After the first election of Mayor and Commissioners, a Mayor or Commissioner shall be elected annually thereafter for a term of three years, to succeed in the office and perform the duties of the Mayor or Commissioner whose term at that time expires.

#### Section 6.

All executive authority is hereby vested in the Mayor and Commissioners, and they shall at all times have their offices in the City Hall, and shall devote their entire time to the duties of their respective offices.

#### Section 7.

All Legislative authority is hereby vested in the City Council. The Mayor, and Commissioners shall each have one vote in the City Council, and the Mayor shall have no veto power, but shall forthwith, without discretion, approve all ordinances and resolutions adopted by majority vote of the City Council. All ordinances and resolutions shall be entered in the minutes, and no ordinance or resolution shall become operative until thirty days after its final passage and approval, except in case of emergency measures; and no such emergency measure shall become immediately operative unless it shall state in a separate section the reason why it is necessary that it should become immediately operative, and the question of emergency shall be ruled upon separately and approved as provided by law; and emergency measures so adopted and approved shall take effect and be in force from and after their passage and approval.

#### Section 8.

The City Council shall hold daily public meetings, except Sundays, at the City Hall, at an hour to be designated by resolution. A majority of the City Council shall constitute a quorum.

#### Section 9.

The Mayor and Commissioners shall be the City Board of equalization, and shall perform such duties as are now or hereafter may be required of Boards of Equalization of Cities of the first class by the statutes of the State of Oklahoma. They shall receive no additional compensation for such services.

#### Section 10.

The Mayor and Commissioners shall, before entering upon the discharge of their duties, each enter into an undertaking with the City, secured by some reliable surety company, in the penal sum of ten thousand dollars, to be approved by the Board of Inspection, conditioned upon the faithful performance of the duties of their respective offices. The City Council shall require bonds secured by reliable surety companies from the appointive officers of the City, to be approved by the City Council, in such sums and subject to such conditions as it may deem advisable. No premium on official bonds shall be paid by the City, except as herein otherwise provided. The Board of Inspection shall have the power at any time in its discretion to increase the amount of the bond of the Commissioner of Finance, in which case the premium on any excess over ten thousand dollars shall be paid by the City.

#### Section 11.

Each officer of the City shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution of the State of Oklahoma, and file the same in the office of the County Clerk.

#### Section 12.

All officers of the City of Chickasha who are municipalities existing before the adoption of this charter shall hold their respective offices without change of compensation until the officers provided for hereunder are elected and appointed and respectively qualified under this charter, at which time their respective terms of office shall end.

### ARTICLE III.

#### Section 1.

The affairs of the City of Chickasha shall be conducted under three Bureaus, to be known as follows: (1) The Bureau of Public Health and Safety; (2) The Bureau of Public Works; and (3) The Bureau of Finance.

#### Section 2.

The Mayor shall be the chief executive officer of the City, and shall have direct supervision over the Bureau of Public Health and Safety, which shall include the City Police Department, the City Fire Department, and the City Health Department. In addition thereto, he shall preside over the meetings of the City Council, and shall have general supervision over the affairs of the City, and shall see that all ordinances are properly enforced.

#### Section 3.

The Commissioner of Public Works shall have direct supervision over the Bureau of Public Works, which shall include the care and maintenance of all public streets, sewers, street pavements and improvements, the water department, including management, maintenance, repair and enlargement, and such other public utilities as the City of Chickasha may now or hereafter own or operate; and the enforcement of all ordinances in regard to the construction and inspection of buildings. In addition thereto, he shall be the custodian of the records of the City, shall be the Secretary of the City Council, and

shall have direct charge and supervision of the offices of the City Engineer and of the City Clerk. The office of City Clerk is hereby created and made a department of the Bureau of Public Works. The City Clerk shall be appointed by a majority vote of the City Council, and shall perform the duties now required by law of City Clerks of the first class in the State of Oklahoma, and such other duties as may be required of him by the City Council or by the provisions of this charter.

#### Section 4.

The Commissioner of Finance shall have direct supervision over the Bureau of Finance, which shall include the enforcement of all ordinances in regard to, and the conduct of all business relating to, the levy, collection and disbursement of all moneys received from licenses, privileges, fees and taxes or special assessments or from any other source; the enforcement of all the terms of all franchises and contracts between the City of Chickasha and any person or corporation, and the payment of all city warrants. In addition thereto he shall be the City Treasurer, shall receive, collect and safely keep the funds of the City, from whatever source derived, and disburse the same upon warrants drawn by the Secretary of the City Council, approved by the Mayor, and regularly allowed and ordered paid by formal vote of the City Council by aye and nay vote, to be recorded in the minutes. He shall also have direct charge and supervision of the office of City Assessor.

#### Section 5.

It shall be the duty of the City Council to loan the available portion of the sinking funds of the City upon the security of first mortgages upon improved real estate in the City of Chickasha, in amounts of not more than thirty-five per cent of the market value of such real estate, to be ascertained by the City Council, provided that no real estate loan shall be made for a longer time than five years, nor for a less rate of interest than eight per cent per annum, or to invest the same in such other securities or in such manner as is now or may hereafter be provided and authorized by the laws of the State of Oklahoma. The Commissioner of Finance shall deposit all uninvested funds in the City depository or depositories of the City of Chickasha, as that bank or banks or trust company or trust companies of the City shall determine, or in such manner as is now or may hereafter be provided and authorized by the laws of the State of Oklahoma. The bank or banks or trust company or trust companies so chosen as the depository or depositories of the City funds shall give bond to the City, with surety company or surety companies, to be approved by the Board of Inspection, in the amount of the probable maximum deposits of the City at any one time with such depository or depositories, conditioned upon the safe keeping and repayment of the sums deposited with it.

#### Section 6.

Any matter pertaining to the administration of the affairs of the City, not herein specially assigned to any Bureau, shall be under the supervision of the Mayor, unless the City Council by resolution or ordinance, shall otherwise direct. Any particular matter hereby assigned to one Bureau may be transferred to another Bureau for a specified time, by resolution or ordinance of the City Council unanimously adopted.

#### Section 7.

The Mayor and Commissioners shall each make a monthly report in writing to the City Council, covering the receipts and disbursement of the City, and the supervision of the City, which reports shall be immediately published in some newspaper published in the City, and shall be preserved among the records of the City.

#### Section 8.

Within thirty days after the expiration of six months after the date of his election, and within thirty days after the expiration of each six months thereafter, the Mayor shall prepare a detailed report of the affairs of the City, covering the preceding six months, showing the receipts of the City, its expenditures, and its then financial condition. Said reports shall be submitted to the City Council, and preserved and published as above provided for monthly reports.

#### Section 9.

Any vacancy occurring in any elective office, whether by death, resignation, removal or otherwise, shall be filled by the City Council, by the appointment of some person, other than a member of the City Council, possessing the prescribed qualifications, who shall serve until the next ensuing general election, at which time the vacancy shall be filled by election.

#### Section 10.

In case of the absence or disability of the Mayor for a period longer than twenty-four hours, the Commissioner of Public Works shall be the acting Mayor; and in the event of the absence or disability of both the Mayor and Commissioner of Public Works for such period, the Commissioner of Finance shall be the acting Mayor.

#### Section 11.

Should either of the Commissioners be temporarily absent from the City, or for any other reason unable temporarily to perform the duties of his office, such Commissioner may, with the consent of the City Council, be entered on its minutes appoint a deputy Commissioner for the occasion of such absence or disability, who shall draw such Commissioners salary, unless such Commissioner is absent

less such Commissioner is absent upon City business, in which case the City Council shall fix the compensation of such deputy, who shall perform the duties of such absent or disabled Commissioner, except as a member of the City Council, during such absence or disability. Should such Commissioner fail to appoint such deputy the City Council may provide for the performance of the duties of such absent or disabled Commissioner, by the appointment of a deputy or otherwise; provided, that no person so appointed shall be a member of the City Council.

#### Section 12.

Should any elective officer of the City be absent from the City on other City business, for a period longer than fifteen days, or otherwise prevented from the performance of his duties for a period of more than fifteen days, except in case of sickness, or with the consent of the City Council obtained before the expiration of said time, the office of such officer shall be declared vacant by the City Council.

#### Section 13.

The Mayor and Commissioners shall each receive a salary of Eight Hundred Dollars (\$1,800.00) per year, payable monthly. Except as herein otherwise provided, the City Council shall by ordinance fix the compensation of appointive officers and salaried employees.

#### Section 14.

All fees collected by any officer or employee of the City shall be accounted for and paid into the City Treasury forthwith, and no officer or employee shall ever be compensated by fees or upon a fee basis.

### ARTICLE IV.

#### Section 1.

A Court is hereby created, to be known as the Municipal Court of the City of Chickasha, which shall have and possess the jurisdiction and powers now had and possessed by police Courts in Cities of the first class under the Statutes of the State of Oklahoma.

#### Section 2.

The City Council shall appoint a Municipal Judge who shall hold his office during the pleasure of the City Council. He shall receive such salary as the City Council shall fix in the resolution appointing him; said salary to be payable monthly. His appointment and removal shall be by resolution. The Municipal Judge shall preside over the Municipal Court hereby created and shall perform the duties imposed and have the jurisdiction conferred upon judges of police courts in cities of the first class by the Statutes now in force in the State of Oklahoma.

#### Section 3.

Any regularly admitted member of the Oklahoma bar, an elector of the City, who at the time of the appointment shall have been a resident of the City for a period of two years next preceding such election, shall be qualified to hold the office of Municipal Judge.

#### Section 4.

The City Council shall have power to provide for the separate detention and trial of, and a probation system for, juvenile offenders against the municipal ordinances.

#### Section 5.

The Municipal Judge may in his discretion upon good cause shown, grant a parole pending appeal, or to any person convicted in the Municipal Court of the City, provided, that such parole so granted may be revoked at any time by the Municipal Judge within six months after the granting of the same, and the sentence imposed against such person shall thereupon be carried into execution.

### ARTICLE V.

#### Section 1.

In addition to the other officers specified in this charter, the following appointive officers are hereby created: Assessor, Chief of Police, City Physician, Fire Chief and City Engineer.

#### Section 2.

The City Council may from time to time employ such employees and laborers as the best interests of the City may require, and prescribe their respective duties and fix their compensation.

#### Section 3.

Such appointive officer, employee or laborer shall be chosen by the Commissioner having charge of the Bureau to which he is or may be assigned, but no such appointive officer, employee or laborer, employed otherwise than by the day, shall exceed in case of emergency, his work or labor or be entitled to compensation until his appointment shall have been authorized or approved by the City Council. In case of emergency the City Council may, by resolution regularly adopted, setting forth the facts which constitute the emergency, authorize the temporary employment of employees or laborers such agreement previously entered into by a Commissioner, provided, that such temporary employment by a Commissioner must not extend over a longer period than until the next meeting of the City Council thereafter.

#### Section 4.

No person shall hold an appointive position in the pay of the City who is related within the third degree, by blood or marriage, to the Mayor or to either of the Commissioners.

#### Section 5.

No appointment to a position or office in the pay of the City shall be made for any indefinite time, and each employee of the City shall be subject to removal at any time by the Mayor or Commissioner having supervision over the Bureau to which he is assigned, or by majority vote of the City Council; provided, that the City Clerk shall be removable only by a majority vote of the City Council; and provided, further, that the Mayor shall have authority to

discharge only such employees as are assigned to the Bureau of Public Health and Safety.

### Section 6.

The City Council is hereby authorized to appoint a competent attorney, to be known as the City Attorney, who shall, under direction of the City Council, represent the City in its legal matters pending in the Courts, institute and defend such actions as he may from time to time be instructed by the City Council to institute or defend, and act as legal adviser of the City and its officers and prepare such ordinances and resolutions as he may be directed to do by the City Council. He shall hold his office during the pleasure of the City Council, and he shall receive such salary as the City Council shall fix in the resolution appointing him. His appointment and removal shall be by resolution. No person shall be eligible to the office of City Attorney unless he be a regular practicing attorney admitted to practice in the District Court of Grady County, Oklahoma, and shall have been an actual bona fide resident of the City of Chickasha for at least one year continuously next before his appointment as such attorney.

### Section 7.

The City Council, as soon as practicable after the election and qualification of its members, shall create and establish a Library Board composed of five members, two of whom shall be women. The general supervision of the City Council. The City Council shall prescribe rules and regulations for the government of such Library Board, and shall require the Board to report the condition of the Library fully and in writing to the City Council on the first Monday in January and July of each year, which reports shall be filed and preserved. The members of said Library Board shall serve without compensation.

### ARTICLE VI.

#### Section 1.

At the first election of officers held hereunder and at each third general election held thereafter, there shall be elected a Board of three bona fide freholders, who shall possess the qualifications of Commissioners, to be known as the Board of Inspection, the members of which shall serve for a period of three years, or until their successors are elected and qualified, except that the terms of office of those who shall be first elected shall terminate on the first Monday in May, 1912, or so soon thereafter as their successors are elected and qualified; and any vacancies occurring in the Board, by death, resignation, removal or otherwise, shall be filled by the remaining members. The members of the Board of Inspection shall receive as compensation for their services the sum of Fifty Dollars (\$50.00) each per year.

#### Section 2.

All the books, records and accounts of the City, kept by any of its officers or employees, shall be at all times open to the inspection of said Board, or any accountant or agent appointed by it.

#### Section 3.

It shall be the duty of the Board of Inspection to cause all the books, records and accounts of the City to be inspected at least once a year, and oftener if the said Board shall deem it necessary or desirable, by competent, disinterested and expert accountants or accountants, to be chosen by said Board, said accountants or accountants to report to said Board, under oath, in writing and in detail such facts concerning the affairs of the City as such inspection may develop, together with such recommendations as to the change of methods of keeping said books and the accounts and records of the City as such accountant or accountants may deem proper.

#### Section 4.

It shall be the duty of the Board of Inspection within thirty days after receiving such report, from said accountant or accountants, to lay the same before the City Council, with such recommendations, as it may deem proper. A copy of such report and recommendations, certified by the City Clerk, shall be forthwith published in some newspaper published and of general circulation in the City.

#### Section 5.

The City shall pay to the accountant or accountants employed by said Board, upon the order of the Board, a reasonable amount to be determined by said Board, as compensation and for expenses.

### ARTICLE VII.

#### Section 1.

The School District of the City of Chickasha, so far as same is situated within the corporate limits of the said City of Chickasha, shall be divided only for the purpose of electing members of the Board of Education of the City of Chickasha, into four wards, which shall be known as the First, Second, Third and Fourth Wards; said wards to comprise the same Territory and have the same limits and boundaries respectively, which the First, Second, Third and Fourth Municipal Wards existing in the said City of Chickasha at the time of the adoption of this charter respectively comprise and have.

#### Section 2.

The said school district and the public schools thereof shall be and remain in charge and under the control and management of the Board of Education of the City of Chickasha, of the State of Oklahoma, as constituted under the laws of said State.

### ARTICLE VIII.

#### Section 1.

On the fifth Tuesday after this charter shall have been adopted and approved by the Governor, there shall be held in the City of Chickasha, to be called as heretofore provided, candidates for the

offices of Mayor, two Commissioners, and three members of the Board of Inspection.

### Section 2.

The nomination, candidacy and election of such elective officers as are herein provided for by this charter shall be in accordance with the laws of the State of Oklahoma, in force at the time of holding such elections.

### Section 3.

At such primary election all candidates shall be nominated at large.

### Section 4.

Independent candidates may have their names printed on the ballots as candidates for any office to be filled at any City election, provided that they file with the County Election Board a notice, as is required of candidates for political party nominations, and notices presenting the names of independent candidates shall be filed with the County Election Board during the period provided by law during which candidates are required to file notice of their candidacy in primary elections.

### Section 5.

There shall be held, on the eighth Tuesday after this charter shall have been adopted and approved by the Governor, a city election in the City of Chickasha, for the purpose of electing, from the nominations made as herein provided, a Mayor, two Commissioners and three members of the Board of Inspection, whose terms of office and the tenure of the same shall be as provided in this charter.

### Section 6.

It shall be the duty of the Mayor or chief executive officer of the City of Chickasha, within five days after this charter shall have been adopted and approved by the Governor, to call the primaries and elections herein provided for, and to give not less than twenty days' notice thereof.

### Section 7.

The terms of office of all officers elected at the first election of officers held hereunder shall begin on the second Tuesday following their election.

### Section 8.

It shall be unlawful for any candidate for office, or any officer or employee of the City, to give or promise to any person or persons, directly or indirectly, any office, position, employment, benefit or anything of value, for the purpose of influencing or obtaining support, political or otherwise, aid or vote of any person or persons, the doing of any of which things shall be grounds for removal from office of such officer, employee or candidate if elected.

### ARTICLE IX.

#### Section 1.

Every incumbent of any elective office, whether elected by popular vote or appointed to fill a vacancy, is subject to removal by recall by the voters of the City. The procedure to effect such removal from office shall be as follows:

#### Section 2.

Whenever a petition signed by a number of qualified voters of the City equal to thirty-five per cent of the total number of ballots cast in the City of Chickasha, at the last preceding general election for State and County officers, demanding the removal of one or more of such elective officers, shall have been filed with the Mayor, it shall be the duty of the Mayor within ten days thereafter, to issue a proclamation calling for a special election, for the purpose of such recall only, setting forth the question to be voted upon at such election such proclamation to be published for a period of not less than ten days prior to the date of such election, in a newspaper published and of general circulation within the City. Such election shall be held not later than thirty days after the filing of such petition. In case of petition for the removal of the Mayor, the petition shall be filed with the City Clerk and the election shall be called by the City Council. After the calling of such election the said petition shall remain in the office of the City Clerk. The signatures of such petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number; or if not numbered, the number of the lot and block. Some qualified voter who signs such petition shall make oath before an officer competent to administer oaths that the statements made in such petition are true, and some qualified voter shall make oath to each paper containing signatures that each signature appended to such paper is the genuine signature of the person whose name purports to be thereunto subscribed.

#### Section 3.

The form of ballot at such special election shall be as follows: Shall (Name of officer) be removed from the office of (name of office)?

☐ YES

☐ NO

The voter who desires to vote for the removal of the officer shall stamp in the square to the left of the word "YES." The voter who desires to vote for the retention in office of the officer shall stamp in the square to the left of the word "NO."

If a majority of the duly qualified electors voting at such election shall vote "YES," the officer shall be deemed removed and his office vacated. If a majority of such electors vote "NO," such officer shall continue to serve as such.

#### Section 4.

Such special election shall in all respects be conducted, returned, and the result thereof declared as provided in Section 1913, of the Compiled Laws of Oklahoma, 1909.

No recall petition shall be filed against any officer until he shall have held his office for at least six months; nor within six months after an election has been held upon a previous petition for recall of the same officer.

### Section 6.

No person who has been recalled from an office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to an office or employment of the City within one year after such recall or resignation.

### Section 7.

The City Council may by ordinance make such further regulations as may be necessary to carry out the provisions of this article.

### ARTICLE X.

The City of Chickasha shall never grant, extend or renew a franchise without the approval of a majority of the qualified electors residing within its corporate limits, who shall vote thereon at a general or special election; and the legislative body of the City may submit any such matter for approval or disapproval to the electors thereof at any general municipal election, or call a special election for such purpose at any time upon thirty days' notice; and no franchise shall be granted, extended or renewed for a longer term than twenty-five years; and no renewal or extension of an existing franchise shall be granted earlier than two years preceding the date of its expiration.

### Section 2.

Whenever a petition signed by a number of qualified electors of the City equal to twenty-five per cent of the total number of votes cast in said City at the next preceding general municipal election, demanding that a franchise be granted, extended or renewed, shall be filed with the Mayor, said City, the Mayor shall, within ten days after, by proclamation embracing the entire text of the proposed franchise, to be published for a period of not less than ten days, call a special election at which shall be submitted the question of whether or not such franchise shall be granted, extended or renewed; and if at any election held in which such question of granting, extending or renewing a franchise is submitted a majority of the qualified electors voting thereon shall vote for the grant, extension or renewal of such franchise, the same shall be granted by the City Council at the next succeeding regular meeting thereof.